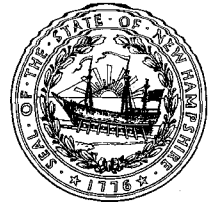




The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



**LETTER OF DEFICIENCY
WET 06-105**

September 22, 2006

Town of Wolfeboro
Board of Selectman
Box 629
Wolfeboro, NH 03894

RE: Wetlands Bureau File #2006-02032, Beech Pond Rd., Wolfeboro

Dear Selectman:

On June 7, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection along Beech Pond Road in Wolfeboro (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

Site #1

1. Between Heritage Rd. and Brown Rd., an intermittent stream which originally flowed from east to west through a 30' long culvert under Beech Pond Rd. (downhill of utility pole MED / 2E / 91 / VZ / 50125 / #9), had been redirected south, into a 500' culvert located along the east side of Beech Pond Rd.. At the end of the 500' long culvert, the stream merged with a second intermittent stream and then flowed west under Beech Pond Rd. through a 30' long culvert. The stream continued through the properties on the west side of Brown Rd. toward Lower Beech Pond.
2. The original 30' culvert located between Heritage Rd. and Brown Rd. was left in place so as to handle any overflow from the 500' culvert. The stream was currently not running and wetlands adjacent to the stream were marginal in comparison to historical documentation of wetland boundaries on file with DES.

Site #2

3. Further south along Beech Pond Rd., just north of utility pole 69 / NET + TC / MED / 2E / 64, a new 14" culvert had been installed on top of a previously existing 12" culvert and was directing an intermittent stream from the east side of the road to the west.
4. The inlet to the old culvert was not visible / buried, but the outlets to both culverts were visible. Water was flowing out of the new culvert, 5' above ground level, and cascading down onto the old culvert and headwall.

5. Approximately 20' of channel had been dredged just above the culvert inlet to a break in a stone wall. Above the dredged channel, two intermittent streams converged and then flowed through the channel and into the culvert.

DES believes the deficiencies above can be corrected by completing the following:

1. **Within 30 days**, submit a Restoration Plan to DES to redirect the stream at *Site #1* back to its original channel. Plans should be drawn to scale and include the following:
 - a. Existing conditions with location of stream channel and flow pattern;
 - b. Proposed conditions with location of stream channel and flow pattern once the stream is re-directed back to its original channel;
 - c. Temporary and permanent erosion controls to be used and stabilization measures to be implemented at the restoration site;
 - d. A construction sequence with a proposed restoration completion date; and
 - e. Plans to submit a project completion report documenting the construction sequence and outlining any maintenance measures which are determined to be necessary.
2. **Within 30 days**, submit an "after-the-fact" application (Standard Dredge and Fill) with all required attachments for the culvert upgrade at *Site #2*. Plans to re-install a properly sized culvert at the correct grade should be included with the application package, along with a proposed date for completion of work. A date for the submittal of a project completion report to DES should also be cited on the plans and all documents shall include the File #2006-2032.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

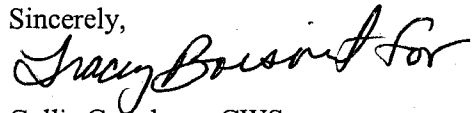
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

If you have any questions, please contact Stacey Herbold at (603) 271-4062.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 6082

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Wolfeboro Conservation Commission
USACOE
Andy Bover, Road Agent